



**MASHPEE ZONING BOARD OF APPEALS  
MEETING MINUTES  
NOVEMBER 9, 2016**

The Mashpee Zoning Board of Appeals held Public Hearings on Wednesday, November 9, 2016, at 6:00 p.m. in the Waquoit Room at the Mashpee Town Hall, 16 Great Neck Road North. Chairman, Jonathan D. Furbush, Board Member Dom DeBarros, Associate Members, Brad Pittsley and Norman J. Gould were present.

**PLEDGE OF ALLEGIANCE**

**NEW HEARINGS**

**36 Valley Road:** Owner, Sally A. Lewis requests a Special Permit under §174-45.4 of the Zoning By-laws to allow for an accessory apartment above an existing garage located in an R-5 Zoning District, Map 42 Parcel 4, Mashpee, MA. *(Continued from October 26, 2016 hearings at the request of the owner, opened but not heard).*

Chairman Furbush read a letter of request for continuance for the application until the December 14, 2016 hearings. Mr. Gould made motion to accept the continuance. Mr. Pittsley seconded. All were in favor of the continuance.

**304 Shore Drive:** Owners, John and Kathleen Todesco request a Written Finding under §174-17 of the Zoning Bylaws to allow for a bedroom addition with an enclosed bulkhead on property located in an R-3 Zoning District, Map 123 Parcel 16, Mashpee, MA. *(Continued from October 26, 2016 hearings at the request of the owner, opened but not heard).*

Mr. John Todesco, Jr., represented himself for the small 7' x 15' bedroom addition. He also would like to install an enclosed bulkhead with a vertical steel door. He supplied the Board with a plot plan and floor plans of the project.

Chairman Furbush noticed the odd shape of the lot and confirmed that the project is under the maximum lot coverage at 13.5%. He read the comments submitted by the Conservation Department into the record; "not within wetlands jurisdiction." He also read the Inspections Department comments, and the Board of Health comments into the record.

There were no further comments from the Board or audience.

Mr. Gould made a motion to approve the project with the following conditions;

1. The Board has determined that the applicant meets all the conditions of a Written Finding under Mass General Law 40A Section 6.

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2. The Board conditions this petition based on all department comments read into the record.
3. **Certified Plot Plan**, 304 Shore Road, Mashpee, MA. Owner of Record: John Todesco, Jr. 16 Jefferson Road, Mansfield, MA. 02048, Applicant: John Todesco, Jr. 16 Jefferson Rd., Mansfield, MA 02048, Sheet No.: 1 of 1, Date: 9/22/16, DWG File: Street\_No, Scale: As noted, Approved by: MC, Checked by: TS, Drawn by: MC, Prepared by: Cape & Islands Engineering, Summerfield Park, 800 Falmouth Road, Suite 301C, Mashpee, MA. Assessors Information: Parcel ID: 123-16-0. No Revision Date. Signed by Matthew C. Costa. Professional Land Surveyor, No. 52282.
4. **Floor Plans** titled: Existing Conditions A1: "Todesco, 304 Shore Dr. Mashpee, MA.", Drawn by: Jodice & Sons Designers, Builders, 307 N. Main St., Mansfield, MA., Scale: 1/4" = 1'-0", Approved: Drawn: PAJ, Dated: 9/22/16. Proposed Layout: A2, Front Elevation, Left Side Elevation: A3, See Elevations: A4.

Mr. DeBarros seconded. All were in favor of the bedroom and bulkhead addition.

**166 Wheeler Road:** Owners, Stephen D. and Donna Barber request a Variance from the side yard setback under §174-31 of the Zoning Bylaws to allow for construction of a detached 24' x 28'-two car garage on property located in an R-5 Zoning District, Map 49 Parcel 9, Mashpee, MA. (*Continued from October 26, 2016 hearings at the request of the petitioner, opened but not heard*).

Mr. Collins O'Connor represented the applicants for the garage project. He plans to remove the shed and fabric building. He's asking for 13 foot variance on the southern side of the lot to construct a two car garage. The driveway will not be over the septic system.

Chairman Furbush read the Inspection Department comments, and Conservation Comments into the record. He read the Board of Health comments into the record; "no habitable space above garage. Septic inspection is required prior to building permit sign-off." He read the DPW comments into the record and will be part of the conditions.

Mr. Gould made a motion to approve the 13 ft. Variance with the following conditions;

1. The Board has determined that the applicant meets all the conditions of a Variance under Mass General Law 40A Section 10.
2. **Site Plan** – Proposed Garage for Stephen and Donna Barber, 166 Wheeler Road, Mashpee, MA, Scale: 1' = 40', Date: 08/18/2016, Warwick & Associates, Inc. 63 County Road, Box 801, N. Falmouth, MA, 02556, 508-563-7777, Rev. 09/01/2016., Drawn by: GSL, Date: 08/18/2016, Checked by: Sheet 1 of 2, P:\Land Projects 2004\BARBER\dwg\BARBERPRO40.dwg, Signed by: Gary S. Labrie, Professional Land Surveyor, No. 40039.

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3. The Board issues a Variance in the amount of 13 ft. of the southerly side setback.
4. No habitable space above the garage.
5. Gutters and downspouts will be installed on the garage and connected to drywells.
6. Remove the shed and fabric building.
7. The plot plan to be revised showing the shed and fabric building removed and the lot percentage revised. Chairman Furbush will stamp and sign when submitted.

Mr. DeBarros seconded. All were in favor to issue a variance for construction of the two-car garage project.

**419 Monomoscoy Road:** Owner, Walter S. Wightman requests a Written Finding under §174-17 of the Zoning Bylaws to raze and replace a single-family dwelling on property located in an R-3 Zoning District, Map 124 Parcel 68, Mashpee, MA. *(Continued from October 26, 2016 hearings at the request of the attorney, opened but not heard).*

**419 Monomoscoy Road:** Owner, Walter S. Wightman requests a Variance from the side yard setback under §174-31 of the Zoning Bylaws to raze and replace a single-family dwelling on property located in an R-3 Zoning District, Map 124 Parcel 68, Mashpee, MA. *(Continued from October 26, 2016 hearings at the request of the attorney, opened but not heard).*

Chairman Furbush read Attorney Kirrane's request for a continuance until the next available hearing.

Mr. Gould made a motion to accept the continuance until the December 14, 2016 hearings. Mr. Pittsley seconded. All were in favor.

**OTHER BUSINESS**

**Approve 2017 Year Public Hearings Schedule**

Mr. Pittsley made a motion to approve the 2017 hearings schedule. Mr. Gould seconded. All were in favor.

**Approve October 26, 2016 Meeting Minutes**

Mr. Pittsley made a motion to approve the meeting minutes. Mr. Gould seconded. All were in favor.

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**EXECUTIVE SESSION**

Chairman Furbush closed the regular meeting and asked everyone in the audience to leave the room so the Board can go into executive session.

Mr. DeBarros made a motion to adjourn the regular hearings. Mr. Gould seconded. All were in favor.

Mr. Gould made a motion to enter into executive session. Mr. Pittsley seconded. All were in favor.

**-17 Overlook Knoll Road:** Agreement for Judgement dismissing the litigation on grounds that Lori Bloom will not use the permit.

Chairman Furbush read the Judgement into the record. Mr. Gould made a motion to accept the Judgement and dismiss the litigation. Mr. DeBarros seconded. All were in favor.

Mr. DeBarros made a motion to adjourn the executive session. Mr. Gould seconded. All were in favor. Meeting adjourned at 7:15 pm.

Respectfully submitted,

Mary Ann Romero  
Administrative Secretary  
Zoning Board of Appeals